Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Canada

Privacy Act

CRTC Annual Report

2017-2018

CRTC.GC.CA

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TABLE OF CONTENTS

INTRODUCTION 4

CRTC MANDATE AND RESPONSIBILITIES 4

ADMINISTRATION 4

DELEGATION ORDER 5

2017-2018 STATISTICAL REPORT: INTERPRETATION 5

Part 1: Requests under the *Privacy Act* 5
Part 2: Requests Closed During the Reporting Period 6
Part 3: Disclosures under Subsections 8(2) and 8(5) 7
Part 4: Requests for Correction of Personal Information and Notation 7
Part 5: Extensions 8
Part 6: Consultations Received from Other Institutions and Organizations 8
Part 7: Completion Time of Consultations on Cabinet Confidences 8
Part 8: Complaints and Investigations Notices Received 8
Part 9: Privacy Impact Assessments 8
Part 10: Resources Related to the *Privacy Act* 9

TRAINING 9

INSTITUTION SPECIFIC POLICIES, GUIDELINES AND PROCEDURES 9

COMPLAINTS 9

MONITORING OF PROCESSING TIME 9

PRIVACY BREACHES 10

PRIVACY IMPACT ASSESSMENTS (PIA) 10

PUBLIC INTEREST DISCLOSURES 10

APPENDIX A: DELEGATION ORDER I

APPENDIX B: STATISTICAL REPORT II

Introduction

The Canadian Radio-television and Telecommunications Commission (CRTC) is pleased to present its Annual Report to Parliament, in accordance with section 72[1] of the *Privacy Act* (the Act). The report describes the activities that support compliance with the Act for the fiscal year commencing April 1, 2017 and ending March 31, 2018.

The Purpose of the *Privacy Act*

Section 2 of the Act sets out its purpose, which is to protect the privacy of individuals with respect to personal information about themselves held by a government institution, and to provide individuals with a right of access to that information.

It also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how the government will collect, use, store, disclose, and dispose of any personal information.

CRTC Mandate and Responsibilities

The CRTC is an administrative tribunal within the Government of Canada that is responsible for regulating and supervising Canada's communication system in the public interest.

The CRTC operates under a number of legislative authorities and Acts of Parliament. These include the following: the *CRTC Act*, the *Bell Canada Act*, the *Broadcasting Act*, the *Telecommunications Act*, *Canada's Anti-Spam Legislation* (CASL) and the *Canada Elections Act*, which includes provisions that established the Voter Contact Registry (VCR).

At the heart of our mandate is the duty to serve the public interest by putting Canadians at the centre of the communication system. To this end, our role encompasses consulting Canadians on communication issues of importance to them, dealing with the many applications we receive by making decisions and rules, responding to enquiries and complaints, as well as reporting to Canadians on the progress and outcomes of our work. The CRTC promotes and enforces compliance with its regulatory policies and decisions. It encourages and facilitates industry co-regulation and self-regulation through consultations, committees and working groups with various industry stakeholders. The CRTC also plays a key role in resolving industry disputes. Finally, in the current dynamic and evolving communication environment, the CRTC collaborates with various domestic and international stakeholders to leverage capacity and intelligence on a host of interrelated policy issues and questions.

The CRTC delivers its mandate from offices in the National Capital Region and regional offices throughout Canada.

Administration

The CRTC's Access to Information and Privacy (ATIP) Office is located within the Information Management section of the Information Management and Information Technologies Directorate.

The activities of the ATIP Office include:

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[1] As stated in subsection 72(1) of the *Privacy Act*, "The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year." *Privacy Act* R.S., 1985, Chapter P-21.

- receiving and processing requests in accordance with the Act;
- promoting awareness of the Act within the Commission;
- preparing the annual reports to Parliament, the annual statistical report and maintaining the Department's *Info Source* chapter;
- monitoring Commission compliance with the Act; and
- providing professional advice and guidance to senior management and all Commission staff on the Act.

The ATIP Office uses the AccessPro Case Management system and an imaging and electronic redaction software solution, AccessPro Redaction. The Office works closely with 14 departmental ATIP liaison officers who are appointed by the sectors. The liaison officers are responsible for ensuring that requests tasked to their groups are handled promptly and that relevant records are forwarded to the ATIP Office on time.

Delegation Order

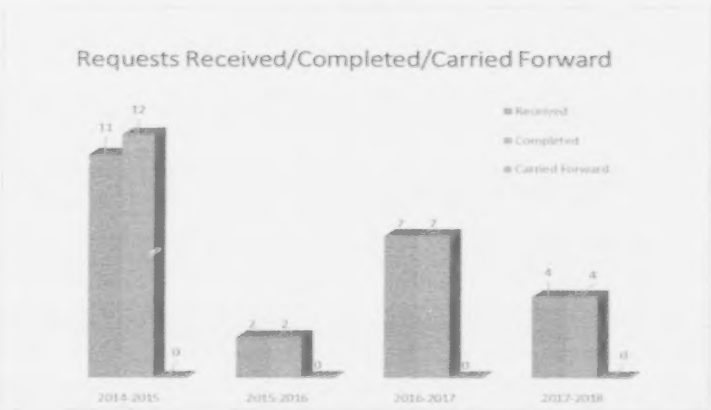
Decision-making responsibility for the application of the various provisions of the *Privacy Act* has been formally established and is outlined in the Delegation Order approved by the Chairperson and CEO of the CRTC on September 6, 2017. A copy of the Delegation Order is in Appendix A of this Report.

2017-2018 Statistical Report: Interpretation

Part 1: Requests under the *Privacy Act*

The CRTC received four Privacy requests in the reporting period, which represents a 57% decrease compared to the previous year when seven requests were received and processed.

No requests for corrections to personal files were received this fiscal year.



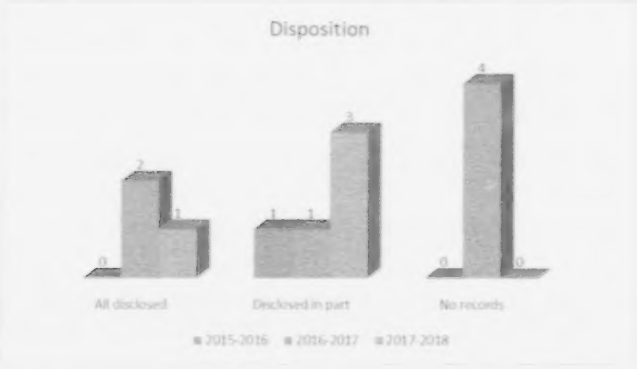
See Appendix B for the Statistical Report on the *Privacy Act*.

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Of the four Privacy requests received during this reporting period, two were closed within 15 days, one was closed between 16 and 30 days, and one was closed between 31 and 60 days.

Of the four Privacy requests received, records were fully disclosed in one file and disclosed in part in the remaining three.



2.2 Exemptions

Sections 18 through 28 of the Act set out the exemptions that can be applied to protect information pertaining to a particular public or private interest. The CRTC used two exemptions in the three files with records disclosed in part: section 22(1)(a)(ii), which protects information that was obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the Privacy Regulations, in the course of lawful investigations pertaining to the enforcement of any law of Canada or a province; and section 26, which protects personal information about an individual other than the individual who made the request. Section 22(1)(a)(ii) was applied in one file, and section 26 was applied to all three.

2.3 Exclusions

No exclusions were used by the CRTC in response to the Privacy requests.

2.4 Format of information released

Two of the releases were sent to the requesters in paper format and two were sent electronically.

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

The total number of pages in response to all four requests was 1,534, of which 493 were released to the applicants. One request was disclosed in full and three were disclosed in part.

2.5.2 Relevant pages processed and disclosed by size of requests

Of the four requests completed during the reporting period, two contained less than 100 pages. The average page count for the closed requests was 384 pages. In 2016-2017, the CRTC ATIP Office closed 7 files with a total of 310 pages with an average of 44 pages per file. In 2017-2018, the average page per file count rose by 340.

2.5.3 Other complexities

Three of the Privacy requests contained interwoven information, which means that the records contained the personal information of more than one individual.

2.6 Deemed refusals

All Privacy requests were completed within the legislative timeframe.

2.7 Requests for translation

There were no requests for translation in the reporting period.

Part 3: Disclosures under Subsections 8(2) and 8(5)

Subsection 8(2) of the Act states that subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed if it meets the conditions listed in paragraphs (a) to (m).

In addition, as written in subsection 8(5), the government institution shall notify the Privacy Commissioner in writing of any disclosure of personal information under paragraph (2)(m) prior to the disclosure. There were no disclosures under section 8(2)(m).

In the course of this reporting period, the CRTC received no request where the records were released pursuant to subsections 8(2) and 8(5) of the *Privacy Act*.

Part 4: Requests for Correction of Personal Information and Notation

There were no requests for corrections of personal information in the reporting period.

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

The *Privacy Act* allows departments to extend the legislated deadline of a request if it cannot be completed within the legislated 30-day time limit. Section 15 of the *Privacy Act* permits extensions if:

- meeting the original time limit would unreasonably interfere with the operations of the government institution;
- consultations, including for Cabinet Confidences, are necessary to comply with the request and cannot reasonably be completed within the original time limit; or
- additional time is necessary for translation purposes or for the purposes of converting the personal information into an alternative format.

Among the four requests received at the CRTC for personal information, one extension was necessary due to the volume of documents received as the work required to complete the response would have unreasonably interfered with the operations of the CRTC.

5.2 Length of extensions

One extension of 30 days was taken on one Privacy request during the reporting period.

Part 6: Consultations Received from Other Institutions and Organizations

The CRTC did not receive any consultations from either other Government of Canada institutions or other organizations during the reporting period.

Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

No requests related to Cabinet Confidences were sent to Legal Services during the reporting period.

7.2 Requests with Privy Council Office

No requests related to Cabinet Confidences were sent to the Privy Council Office during this reporting period.

Part 8: Complaints and Investigations Notices Received

In 2017-2018, five complaints were received (section 31). The CRTC made representations to the Office of the Privacy Commissioner of Canada (OPC) in the case of one of these complaints. All of the complaints are still ongoing.

Part 9: Privacy Impact Assessments

Two Privacy Impact Assessments (PIAs) were undertaken in the reporting period but were not completed. One of the PIAs relates to the National Do Not Call List[2] and the other relates to the internal Talent Management Program. The ATIP Office is working with the relevant sectors to complete the PIAs and anticipates having them registered with the Treasury Board of Canada Secretariat and the Office of the Privacy Commissioner of Canada in the coming months.

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[2] https://www.lnnte-dncl.gc.ca/

Part 10: Resources Related to the *Privacy Act*

When at full strength, the CRTC ATIP Office is resourced with five indeterminate employees, two of whom are devoted part-time to activities related to the Act. This equates to one FTE devoted to administering the Act. During 2017-2018, the ATIP Office incurred an estimated $65,808 in salary costs. These costs do not include the resources expended by the program areas of the CRTC to meet the requirements of the Act.

Training

Over the course of the 2017–2018 fiscal year, several training sessions were offered to CRTC employees and management. The ATIP Office held 6 bilingual sessions. Approximately 140 of the 450 CRTC employees attended the sessions, which represents 31% of staff. The ATIP Office continues to promote the roles and responsibilities of all public servants relating to the *Privacy Act* and is continuously meeting with individuals to provide one-on-one support.

The CRTC intranet, which is accessible to all employees, includes a section that describes the ATIP Office's roles and responsibilities and provides information on the *Privacy Act* and related Commission policies and procedures.

Institution Specific Policies, Guidelines and Procedures

The ATIP Office met its reporting obligations for the reporting period by providing timely input to *Info Source* and the publication of the annual reports. The statistical report on the *Privacy Act* was provided to the Treasury Board Secretariat. Internally, the ATIP Office monitored the time to process requests on a daily basis with the ATIP case management system. A Privacy policy framework is being implemented, as well as privacy awareness training for employees.

Complaints

During the reporting period, the CRTC received four complaints related to Privacy requests, and one complaint related to the release of personal information on the Commission's website. One representation was made regarding a complaint within the reporting period. The ATIP Office is working with the OPC to resolve the complaints. The Commission is committed to protecting individuals' personal information.

Monitoring of Processing Time

The CRTC is committed to responding to every Privacy request completely and in a timely matter. Therefore, the ATIP Office meets as a group weekly to review priorities and any potential issues. In addition, the ATIP Coordinator meets weekly with each of the analysts to review on-time performance and with the Office of the Secretary General to provide a briefing on the status of the open files. In turn, the Secretary General raises any files of concern at the Executive Committee meeting. This committee includes the Deputy Head and all of the sector heads that report directly to him.

Privacy Breaches

One Privacy Breach was reported during the reporting period. It was completed and sent to the Office of the Privacy Commissioner within the reporting period.

Privacy Impact Assessments (PIA)

Two Privacy Impact Assessments were undertaken in the reporting period, but were not completed.

The National Do Not Call List PIA was prepared by a consultant and is currently being reviewed by the ATIP Office.

The Talent Management Program PIA was requested by the Human Resources sector (HR) for the purpose of evaluating their new program form. The ATIP Office is currently reviewing HR's submission.

The ATIP Office is working with the sectors to complete the two PIAs and anticipates having them registered with the Treasury Board of Canada Secretariat and the Office of the Privacy Commissioner of Canada in the coming months.

Public Interest Disclosures

Paragraph 8(2)(m) of the *Privacy Act* allows the head of the institution to disclose personal information without the consent of the affected individual in cases where, in the opinion of the head, the public interest outweighs any invasion of privacy that could result from the disclosure or when it is clearly in the best interest of the individual to disclose.

During the reporting period, CRTC made no disclosure of personal information under this provision.

Appendix A: Delegation Order

Conseil de la radiodiffusion et des télécommunications canadiennes | Canadian Radio-television and Telecommunications Commission

Privacy Act Delegation Order

I, the undersigned, Chairperson and Chief Executive Officer of the Canadian Radio-Television and Telecommunications Commission (CRTC), pursuant to section 73 of the ***Privacy Act****, hereby designate the person or persons holding the position or positions set out in the schedule hereto to exercise and perform the powers, duties and functions of the Chairperson and Chief Executive Officer, as the head of the government institution, under the sections of the Act set out in the attached schedule for each position.

This Delegation Order supersedes all previous Delegation Orders with respect to the CRTC, or any portion thereof.

Mr. Ian Scott
Chairperson and Chief Executive Officer

06/09/17
Date

*R.S.C. 1985, Ch. P-21

SCHEDULE

Privacy Act Designation Order

Position	Sections of *Privacy Act*
1. Secretary General	8, 9, 10(1), 14, 15, 16, 17, 18(2), 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33(2), 35, 36(3), 37(3), 51, 69, 70, 72(1).
2. ATIP Coordinator	8(1), 8(2)(a)(b)(e)(i), 8(4), 9, 10(1), 14, 15, 16, 17, 18(2), 19, 26, 27, 28, 33(2), 35, 36(3), 37(3), 69, 70, 72(1).

Canada

Appendix B: Statistical Report

Government of Canada / Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: CRTC

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	4
Outstanding from previous reporting period	0
Total	4
Closed during reporting period	4
Carried over to next reporting period	0

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	1	0	0	0	0	0	0	1
Disclosed in part	1	1	1	0	0	0	0	3
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	2	1	1	0	0	0	0	4

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	1	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	3
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	0	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69.1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	1	0	0
Disclosed in part	1	2	0
Total	2	2	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	37	37	1
Disclosed in part	1497	456	3
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	1534	493	4

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	1	37	0	0	0	0	0	0	0	0
Disclosed in part	1	14	1	169	0	0	1	273	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	2	51	1	169	0	0	1	273	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	3	0	3
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	3	0	3

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

Part 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	1	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	1	0	0	0

5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	1	0	0	0
Total	1	0	0	0

Part 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
5	1	0	0	6

Part 9: Privacy Impact Assessments (PIAs)

Number of PIA(s) completed	0

Part 10: Resources Related to the *Privacy Act*

10.1 Costs

Expenditures		Amount
Salaries		$65,908
Overtime		$0
Goods and Services		$0
• Professional services contracts	$0	
• Other	$0	
Total		$65,908

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	1.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	1.00

Note: Enter values to two decimal places.